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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,787	11/26/2003	Michael J. Branson	ROC920030262US1	9077

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
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EXAMINER	
LEE, JINHEE J	

ART UNIT	PAPER NUMBER
2175	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/723,787	BRANSON ET AL.	
	Examiner	Art Unit	
	Jinhee J. Lee	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-11,17-19 and 44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-11,17-19 and 44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Restriction/election

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3, 5-11, 17-19, 24-26, 28-34, 38-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 5-11, 17-19 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (5995101)

Re claim 1, Clark et al. substantially discloses a method of displaying hover assistance on a display screen, comprising: moving a pointer element to a position over a user interface element shown on the display screen in response to user manipulation of a pointing device (cursor pointed to an area, provides information element, see abstract for example); while the pointer element is positioned over the user interface element, invoking a first hover element for display on the display screen (provides a first level of information, see abstract for example); invoking a second hover element (provides a subsequent level of information, see abstract for example) for display on the display screen after invoking the first hover element, wherein invoking the second hover element is responsive to the pointer element continuing to be positioned over the user interface element ("if the user continues to point to the area of interest", see latter portion of last sentence of abstract for example). Clark et al. does not explicitly disclose wherein at least one of the first hover element and the second hover element comprises at least one indication of an action to be performed by a user to cause execution of an associated operation, the at least one indication being user-selectable from the respective hover element by a mouse pointer. Clark et al. does disclose that the user may enter a prescribed control command such as a prescribed keystroke or mouse click while a lower-level tip is displayed to display the next level of tip (see column 3 lines 31-35 according to the numbering in the middle). Clark et al. also teaches of customizing the tool tip, altering the information provided using user options control such as dialog,

menu (see column 4 lines 12-15 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the user options control such as dialog menu as taught by Clark et al. for the user selectable indication from the first or second hover element to be the user executed associated operation as claimed since the user is allowed to use other prescribed action (see column 2 lines 53-55 for example). Further, making an indication of action be selectable in the display is well known. It would have been an obvious matter of design choice to have it programmed to have wherein at least one of the first hover element and the second hover element comprises at least one indication of an action to be performed by a user to cause execution of an associated operation, the at least one indication being user-selectable from the respective hover element by a mouse pointer, since such a modification would have involved the mere application of a known technique to a piece of prior art ready for improvement. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)).

Re claim 2, note that Clark et al. discloses a method, wherein the second hover element provides more detail regarding the user interface element relative to the first hover element (“in addition to a detailed textual description of the icon’s function, the

second-level tip may provide a no-textual description", see column 2 lines 47-50 according to the numbering in the middle for example).

Re claim 3, note that Clark et al. discloses a method, further comprising displaying the first and second hover elements simultaneously for a period of time and while the pointer element continues to be positioned over the user interface element ("the tool tips may be displayed concurrently", see column 4 lines 28-30 according to the numbering in the middle for example).

Re claim 5, note that Clark et al. discloses a method, further comprising: removing the pointer element from the position over the user interface element; and removing from display at least one of the first hover element and the second hover element upon removing the pointer element (see column 3 lines 25-28 for example).

Re claim 6, note that Clark et al. discloses a method, wherein the first hover element and the second hover element comprise help text specific to the user interface element (see abstract and figures 1 and 2 for example).

Re claim 7, note that Clark et al. discloses a method, wherein the first hover element and the second hover element are displayed in a single text box (see figure 2, if first hover element is "tool tip" from figure 1, then figure 2 element 60 has more information including "tool tip" for example).

Re claim 8, note that Clark et al. discloses a method, wherein at least one of the first hover element and the second hover element comprises information that is generated using at least one of a flash, video, audio, extensible markup language (XML)

and hypertext generation tool (audio/visual clip, see column 2 lines 47-50 and line 59 according to the numbering in the middle for example).

Re claim 9, note that Clark et al. discloses a method, wherein invoking the second hover element occurs after one of (i) expiration of a predefined period of time and (ii) a user input command to display the second hover element, whichever occurs first (see column 2 lines 35-38 and column 2 lines 64-67 for example).

Re claim 10, note that Clark et al. discloses a method, wherein invoking the first hover element occurs after expiration of a first predefined period of time (see column 1 lines 21-23 for example) and invoking the second hover element occurs after expiration of a second predefined period of time (see column 2 lines 35-38, column 3 line 15 for example), wherein the first predefined period of time is shorter than the second predefined period of time (half second and 4 seconds for example) and wherein expiration of both the first predefined period of time and the second predefined period of time are calculated from the same event (Clark et al. starts with “Detect Cursor enter area” than later has a loop for time determination or interval just as figure 6 of applicant starts with “Detect mouse pointer at position over icon” and then later has a loop for the time determination; see figure 4 for example).

Re claim 11, note that Clark et al. discloses a method, wherein the same event is detecting the pointer element at the position over the user interface element (Clark et al. starts with “Detect Cursor enter area” than later has a loop for time determination or interval just as figure 6 of applicant starts with “Detect mouse pointer at position over icon” and then later has a loop for the time determination; see figure 4 for example).

Re claim 17, note that Clark et al. discloses a method, further comprising successively invoking a plurality of hover elements after invoking the second hover element (a multimedia clip, audio and visual, would be displaying of multiple hover elements).

Re claim 18, note that Clark et al. discloses a method, wherein each successive hover element of the plurality of hover elements provides more detail regarding the user interface element relative to each previous hover element (even more detailed , see column 2 lines 55-57 and abstract for example).

Re claim 19, note that Clark et al. discloses a method, wherein invoking of each successive hover element occurs after one of (i) expiration of a predefined period of time and (ii) a user input command to display the successive hover element, whichever occurs first (see column 2 lines 35-38 for example).

Re claim 44, note that Clark et al. discloses wherein the associated operation displays a help window including detailed help specific to the user interface element (see figure 2 for example).

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 5-11, 17-19 and 44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-2100 ext. 75. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/
Jinhee J Lee
Primary Examiner
Art Unit 2175

jjl